

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE: DA VINCI SURGICAL )  
ROBOT ANTITRUST LITIGATION ) Case No. :  
----- ) 3:21-cv-03825-VC  
THIS DOCUMENT RELATES TO: )  
ALL CASES ) Pages 1 to 205  
----- )  
SURGICAL INSTRUMENT SERVICE )  
COMPANY, INC., )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
INTUITIVE SURGICAL, INC., )  
 )  
Defendant. )  
----- )

DEPOSITION OF:  
CLIFTON EARL PARKER, VOLUME I  
TUESDAY, OCTOBER 25, 2022  
9:08 a.m. Eastern Daylight Time

REPORTED BY:  
Vickie Blair  
CSR No. 8940, RPR-CRR  
JOB NO. 5541122  
  
PAGES 1 - 207

1 Deposition of CLIFTON EARL PARKER, the witness, taken on  
2 behalf of the Defendant, on Tuesday, October 25, 2022,  
3 9:08 a.m. Eastern Daylight Time, before VICKIE BLAIR,  
4 CSR No. 8940, RPR-CRR.

5  
6 APPEARANCES OF COUNSEL VIA ZOOM:

7  
8 FOR THE WITNESS:

9 JEFFREY L. BERHOLD, P.C.  
10 BY JEFF L. BERHOLD, Partner  
11 1230 Peachtree Street  
Suite 1050  
12 Atlanta, Georgia 30309  
404-872-3800  
jeff@berhold.com

13 FOR PLAINTIFF/COUNTER-DEFENDANT SURGICAL INSTRUMENT  
14 SERVICE CO. INC.:

15 HALEY GUILIANO LLP  
BY RICHARD T. MCCAULLEY, Partner  
16 111 North Market Street  
Suite 900  
San Jose, California 95113  
17 +1 669 213 1071  
richard.mccaulley@hglaw.com

18 HALEY GUILIANO LLP  
19 BY DONNY K. SAMPORNA, Associate  
111 North Market Street  
20 Suite 900  
San Jose, California 95113  
21 +1 669 213 1080  
donny.samporna@hglaw.com

1 APPEARANCES OF COUNSEL VIA ZOOM: (Continued)  
2 FOR DEFENDANT INTUITIVE SURGICAL, INC.:

3 COVINGTON & BURLING LLP  
4 BY SONYA D. WINNER, Partner  
415 Mission Street  
Suite 5400  
5 San Francisco, California 94105-2533  
+1 415 591 7072  
6 swinner@cov.com  
7 COVINGTON & BURLING LLP  
BY ANNA BOBROW, Associate  
8 850 Tenth Street, NW  
Washington, D.C. 20001-4956  
9 +1 202 662 5948  
abobrow@cov.com

10 INTERIM CO-LEAD COUNSEL FOR THE PROPOSED CLASS:

11 SPECTOR ROSEMAN & KODROFF, P.C.  
12 BY JEFFREY L. SPECTOR, Partner  
2001 Market Street  
13 Suite 3420  
Philadelphia, Pennsylvania 19103  
14 P: 215-496-0300  
jspector@srkatattorneys.com

15 SPECTOR ROSEMAN & KODROFF, P.C.  
16 BY JEFFREY J. CORRIGAN, Partner  
2001 Market Street  
17 Suite 3420  
Philadelphia, Pennsylvania 19103  
18 P: 215-496-0300  
jcorrigan@srkatattorneys.com

19 ALSO PRESENT:

20 RAMON A. PERAZA, Videographer  
21  
22  
23  
24  
25

1 your ability to pursue option one? 07:52:33

2 A No. 07:52:35

3 Q Has anything been reported to you since 07:52:35

4 2019 of Intuitive doing anything with your ability to 07:52:38

5 pursue option two? 07:52:41

6 A Yes. 07:52:44

7 Q And -- and what was that? 07:52:44

8 A The CEO of Panama City Surgery Center told 07:52:47

9 me that -- that Intuitive would not allow them to 07:52:54

10 purchase instruments from us, and then -- 07:53:01

11 Q The CEO of what company? 07:53:08

12 A Panama City Surgery Center. 07:53:10

13 Q Panama. 07:53:12

14 And when was this? 07:53:13

15 A It's probably six or eight months ago, and 07:53:14

16 then he had another conver- -- they had another 07:53:18

17 conversation with me after that, and when he found out 07:53:22

18 that other people were purchasing instruments from us, 07:53:28

19 he said he was going to do it anyway. 07:53:31

20 Q So he has, in fact, purchased from you? 07:53:32

21 A In the last six months, they started back, 07:53:34

22 yes. 07:53:38

23 Q Okay. And -- and is -- has he told you 07:53:38

24 that anything bad happened to him as a result of that? 07:53:41

25 A I don't know as a result of that, but he 07:53:46

1 has -- you'd have to ask him that, but I have been 07:53:50  
2 given indication that he feels like something bad has 07:53:59  
3 happened to them, don't know if it's as a result of 07:54:02  
4 that; you'd have to ask him. 07:54:05

5 Q Any other accounts you've received since 07:54:06  
6 2019 relating to any other effort by Intuitive to 07:54:15  
7 interfere with your ability to pursue either option one 07:54:20  
8 or option two? 07:54:23

9 A Not anymore because they basically scared 07:54:23  
10 every customer away and they stopped purchasing 07:54:30  
11 instruments. 07:54:34

12 Q Are you unsuccessful in your ability to -- 07:54:37  
13 in your -- are you unsuccessful in your efforts to sell 07:54:41  
14 instruments? 07:54:46

15 A Unsuccessful, I'm not sure how to validate 07:54:47  
16 that term. We have sold considerably less than we were 07:54:53  
17 selling when Intuitive started making threats against 07:55:01  
18 hospitals. 07:55:04

19 Q And just to be clear, you have not 07:55:05  
20 personally witnessed any threats to any hospitals; 07:55:11  
21 correct? 07:55:15

22 A Well, no, I'm not in the discussion with 07:55:15  
23 the Intuitive sales rep and the management at -- I 07:55:17  
24 would never be in a situation -- 07:55:21

25 Q Has any hospital shared with you any 07:55:24

1 documentary evidence of Intuitive threatening them? 07:55:26

2 A They haven't given me documents, but 07:55:31

3 they've told me that they've cancelled their service 07:55:39

4 contracts. 07:55:42

5 Q But this is just things they've told you; 07:55:42

6 correct? 07:55:46

7 A Yes. 07:55:46

8 Q Going back to this slide, let's look at 07:55:46

9 the first slide -- the second slide that option one, 07:55:53

10 this has got a productions number at the bottom with 07:55:57

11 the last four numbers of 4922. 07:55:59

12 Are you with me? 07:56:00

13 A Yes. 07:56:02

14 Q There's a ref- -- reference to a Las Vegas 07:56:02

15 facility. 07:56:08

16 What is that? 07:56:11

17 A Kevin and I own an office in Las Vegas. 07:56:11

18 Q An office? 07:56:17

19 A Yes. 07:56:21

20 Q Is -- and what is the purpose of having 07:56:21

21 that office? 07:56:26

22 A To operate Restore Robotics Repairs. 07:56:28

23 Q So have you moved the operations from your 07:56:34

24 prior office to Las Vegas? 07:56:38

25 A Yes. 07:56:40

1 "and internationally," so we did have -- we do have and 12:49:48  
2 are looking for international distributors, as well. 12:49:52  
3 BY MR. McCAULLEY: 12:50:00  
4 Q And do you have an understanding of 12:50:00  
5 Restore's reputation in that market that you just 12:50:02  
6 referred to? 12:50:03  
7 A I do. 12:50:04  
8 Q And what's that understanding? 12:50:04  
9 A They're one of the largest and most 12:50:06  
10 respected medical device repair companies, and actually 12:50:08  
11 when Kevin was the owner of MediVision, we did work 12:50:14  
12 together, so we would do some of their repairs on their 12:50:21  
13 EndoWrists -- I'm sorry, flexible scopes when they had 12:50:28  
14 too much work to do or if they needed, you know, some 12:50:31  
15 additional help, we were an additional resource for 12:50:35  
16 them. 12:50:38  
17 Q I believe you also testified about the 12:50:38  
18 complexity of repairing an EndoWrist. 12:50:41  
19 Do you have an opinion as to whether or 12:50:43  
20 not, with respect to the repair of the device itself, 12:50:46  
21 SIS was qualified to repair EndoWrists? 12:50:48  
22 MS. WINNER: Objection to form. Lack of 12:50:53  
23 foundation. 12:50:56  
24 THE WITNESS: The EndoWrist repair is a 12:50:56  
25 very simple repair, especially in comparison to the 12:50:58

1 other repairs that SIS is involved with, so it's a -- 12:51:03  
2 it's not near as complicated as, for example, a 12:51:08  
3 flexible end scope. 12:51:13  
4 MR. McCAULLEY: Thank you, thank you. 12:51:16  
5 Mr. Parker, I don't have any further questions. 12:51:18  
6 VIDEOGRAPHER PERAZA: Does anybody else 12:51:25  
7 have any questions? 12:51:26  
8 MS. WINNER: I have some additional 12:51:27  
9 questions for the witness, if the plaintiffs are done. 12:51:28  
10 MR. McCAULLEY: SIS is done. 12:51:35  
11 MR. CORRIGAN: Yes, we're done, we'll 12:51:38  
12 reserve time, as you did, just in case -- 12:51:39  
13 MS. WINNER: Sure. 12:51:42  
14 MR. CORRIGAN: -- if we have more 12:51:43  
15 questions at the end. 12:51:45  
16 MS. WINNER: Sure, that's fine. 12:51:46  
17 12:51:47  
18 FURTHER EXAMINATION 12:51:47  
19 BY MS. WINNER: 12:51:47  
20 Q Okay. I just have some follow-up 12:51:48  
21 questions on -- follow up on some of the questions that 12:51:50  
22 Mr. Corrigan and Mr. McCaulley asked you, so I'll be 12:51:54  
23 jumping around a bit. If you're losing track of where 12:51:56  
24 I'm jumping, just speak up and I'll -- I'll try to slow 12:51:59  
25 down and clarify where I am; okay? 12:52:05